

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1975

ARCHER-DANIELS-MIDLAND COMPANY,)
a corporation,)
)
Petitioner,)
)
v.) PCB 74-350
)
)
ENVIRONMENTAL PROTECTION)
AGENCY)
)
Respondent.)

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this case is the unreasonable and excessive delay upon the part of Archer-Daniels-Midland Company in eliminating the nuisance effect of their emissions upon the public.

The Board majority Opinion states

Petitioner had knowledge in the fall of 1973 that its neighbors were complaining about its activities but approximately one year passed before ADM prepared its compliance plan.

The Board majority and the Illinois Environmental Protection Agency both fail to recognize the long-standing nature of this situation. Attached to the Agency's Recommendation is Exhibit D which is a petition bearing approximately 86 signatures. This petition was transmitted by the City Manager of Decatur to the former Illinois Air Pollution Control Board on August 29, 1969. Thus the Petitioner had "notice" more than four years earlier than the "fall of 1973" that it was causing problems to its residential neighbors.

The delay on Archer-Daniels-Midland's part, then is not "approximately one year" as the Board Opinion states, but five years. And why the Division of Sanitary Engineering of the Illinois Department of Public Health (the predecessor to the present Illinois Environmental Protection Agency) never brought an enforcement action is not known on this record.

Five years of soiling cars and other properties with fatty acids is too long especially where, as the Agency states, "Financial hardship is not at issue...". I would have denied the Variance because of delay.



Jacob D. Dumelle
Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 7th day of August, 1975.



Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board